

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lofton-Day et al.  
Application No. : 10/562,383  
Int'l Filing Date : June 23, 2004  
For : METHODS OF NUCLEIC ACIDS FOR ANALYSES OF  
COLORECTAL CELL PROLIFERATIVE DISORDERS

Docket No. : 47675-171

Date : June 13, 2007

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO DECISION ON SUBMISSION**

Commissioner for Patents:

In response to the Decision on Submission mailed May 31, 2007 (copy enclosed), in connection with this application, in which the Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) (PTO/SB/01A) submitted on December 18, 2006, was decided to be unacceptable,

please enter the two Declarations submitted herewith.

Respectfully submitted,  
Kurt Berlin et al.  
DAVIS WRIGHT TREMAINE LLP

By /Barry L. Davison, Ph.D., J.D./  
Barry L. Davison, Ph.D., J.D.  
Registration No. 47,309

Enclosures:

Copy of Decision on Submission  
Declaration of Inventors (Cathy Lofton-Day, Fabian Model, Tamas Rujan,  
Joern Lewin, and Juergen Distler)  
Declaration of Inventor (Andrew Sledziewski)

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31 MAY 2007



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In re Application of  
LOFTON-DAY et al.  
Serial No.: 10/562,383  
PCT No.: PCT/US04/20336  
Int. Filing Date: 23 June 2004  
Priority Date: 23 June 2003  
Attorney's Docket No.: 47675-171  
For: METHODS AND NUCLEIC ACIDS FOR  
ANALYSES OF COLORECTAL CELL  
PROLIFERATIVE DISORDERS

DECISION ON  
SUBMISSION

This is a decision on applicants' submission under 35 U.S.C. 371, filed on 18 December 2006 in the United States Patent and Trademark Office (USPTO), along with a three month extension of time, which is granted.

### BACKGROUND

On 23 December 2005, within the thirty month period, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 21 July 2006, a Notification of Missing Requirements was mailed to applicant, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 18 December 2006, applicant submitted a declaration, executed by the inventors.

### DISCUSSION

The declaration submitted on 18 December 2006 is a two page declaration, comprised of three pages. The declaration contains Page 1 and two duplicate Page 2 signature pages. Each Page 2 is executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." See MPEP 201.03. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met.

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IP DOCKET

JUN 06 2007

By:


*SPB*  
Oath/Declaration Due:  
July 31, 2007 (212)  
Dec 31, 2007 (Final)

**CONCLUSION**

For the reasons set forth above, the declaration submitted on 18 December 2006 is unacceptable as filed. What is required is one declaration where all inventors have signed or separate complete declarations in compliance with 37 CFR 1.497(a) and (b) .

Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within TWO (2) MONTHS from the mail date of this Decision. Extensions of this time limit may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

  
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